



Docket No.: 2000-013-B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  
Application of:

MAZZEI, Robert, et. al.

Serial No.: 10/694009      Group Art Unit: 3643

Filed: 10/24/2003      Examiner: PARSLEY, David J.

FOR: PRACTICE PROJECTILE WITH SMOKE SIGNATURE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to withdraw the holding of abandonment of the above application, to revive the application unavoidably abandoned by the USPTO on 28 December 2004 for: Failure to Respond to Office Action dated 19 May 2004, and now allow prosecution of this case to resume.

According to the enclosed papers found in this case file, the Response to the Office Action was actually faxed in on 01 September 2004 to the USPTO. Therefore, the Response should be given credit to have been received in the USPTO on 01 September 2004 and deemed as timely filed.

A copy of the Certificate of Transmission under 37 CFR 1.8 is provided, as well as a copy of the Auto-Reply Facsimile Transmission and Response, and should mean the Response is treated as received as on 01 September 2004, even if somehow misplaced. Kindly now therefore allow this case to return to examination by the Examiner.

A petition fee of \$130.00 is enclosed on this accompanying fee letter, which also authorizes the payment of necessary further fees that might be required by the PTO for this Petition if the sum of \$130.00 is too low. Such fees are authorized to be charged to our Army Deposit Account No. 19-2201.

01/28/2005 AWDNDAF1 00000151 192201 10594009  
01 FC:1452 500.00 DA

It is further requested that the \$130.00 be refunded to Applicants if the PTO agrees that the abandonment was an error by the PTO, rather than fault of Applicants.

The undersigned hereby certifies that the attached papers are a true copy of Applicants' records, and further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made are punishable by fines or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully,

  
MICHAEL C. SACHS  
MICHAEL C. SACHS  
Attorney for Applicants  
Reg. No. 29,262  
Tel. No. 973-724-6595  
Fax No. 973-724-5552

10 January 2005

Date

Mailing Address:  
US ARMY RDECOM-ARDEC  
ATTN: AMSRD-AAR-GCL  
M. Sachs/Building 3  
Picatinny, NJ 07806-5000



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
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Paper No. 9

Amsta-AR-GCL  
U.S. Army Tacom-Ardec  
M. Sachs / Building 3  
Picatinny Arsenal, NJ 07806-5000

COPY MAILED

MAR 26 2004

OFFICE OF PETITIONS

In re Application of  
Robert Mazzei et al.  
Application No. 10/087,711  
Filed: February 26, 2002  
Attorney Docket No. 2000-013

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2003, to revive the above-identified application.

The petition is Dismissed as Moot.

A review of the application file shows that a reply to the final Office action mailed December 24, 2002 was submitted timely on February 26, 2003. In view of the timely submission, the Notice of Abandonment mailed August 21, 2003 is vacated.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 10/694,009 filed October 24, 2003.

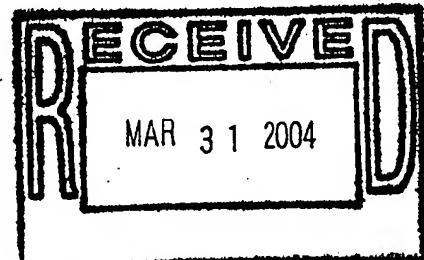
Accordingly, the \$1330 petition fee submitted with the instant petition will be refunded to Deposit account no. 19-2201.

The application file is being forwarded to the Files Repository.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

*Latrice Bond*

Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy





PTO/SB/97 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031  
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## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
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Kathryn Vander Sande

Signature

KATHRYN VANDER SANDE

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fax Cover Sheet (1 Sheet, Text)  
Petition to Extend Office Action (1 Sheet, Text)  
Fee Letter (1 Sheet, Text)  
Amendment (20 Sheets, Text)  
Fax Certification (1 Sheet, Text)



PTO/SB/92 (12-97)

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## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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ALEXANDRIA, VA 22313-1450

On: 13 January 2005

Kathryn Vander Sande

Signature

KATHRYN VANDER SANDE

Typed or printed name of person signing Certificate

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Serial No. 10/694009 Filed: 10/24/2003

- Petition to Withdraw Holding of Abandonment (2 Sheets, text)
- Fee Letter (1 Sheet, Text)
- Copy Of Office Communication of 12/28/2004 (2 Sheets, text)
- Auto-Reply Facsimile Transmission (1 Sheet, text)
- Fax Transmission Report of 1 Sep 04 (1 Sheet, text)
- Copy of Original Reply to include Petition to Extend, Fee Letter, Amendment and Drawings, Copy of Petition decision and Certificate of Transmission (21 Sheets, text, 2 Sheets, drawings)
- Certificate of Mailing (1 Sheet, Text)
- AMSMC Form 1757

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,009	10/24/2003	Robert Mazzei	2000-013-B	3719

7590 12/28/2004

Attn: AMSTA-AR-GCL  
U.S. Army TACOM-ARDEC  
M. Sachs / Building 3  
Picatinny Arsenal, NJ 07806-5000



EXAMINER

PARSLEY, DAVID J

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



JAN 18 2005

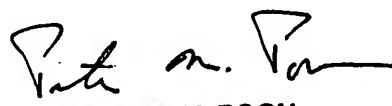
### Notice of Abandonment

Application No.	Applicant(s)
10/694,009	MAZZEI ET AL.
Examiner	Art Unit
David J Parsley	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 19 May 2004.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

  
PETER M. POON  
SUPERVISORY PATENT EXAMINER

12/23/04

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 973 724 5552

Fax Information

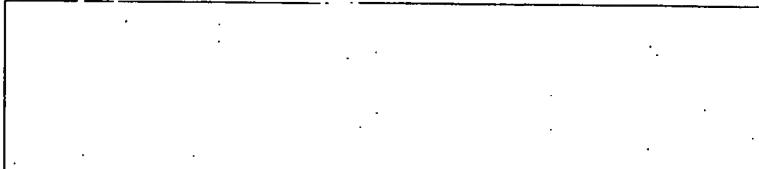
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9/1/2004 2:21:33 PM [Eastern Daylight Time]  
24 (including cover page)

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Received  
Cover  
Page  
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09/01/2004 14:23 FAX 973 724 5552		PICATINNY LEGAL OFFICE	1/001
			
DEPT. OF THE ARMY U.S. ARMY RDECOM-ARDEC PICATINNY LEGAL OFFICE AMSRD-AAR-GCL BUILDING 3 PICATINNY, NJ 07806-5000 CUSTOMER NO. 32170			
FACSIMILE TRANSMISSION:		24 Hour Automatic - All Speeds FAX NO.: (973) 724-5552 DSN: 880-5552	
TO FAX PHONE NO.: (703) 872-9325		DATE: 01 September 2004	
ATTN: TC3500		Desk Phone:	
FROM: Kathryn Vander Sande		Desk Phone: 973-724-3449	
SUBJECT: SN 10/694009, Filed 10/24/2003, PRACTICE PROJECTILE WITH SMOKE SIGNATURE by Mazzei, et. al., Response to Office Action, Petition to Extend, Fee Letter and Amendment			
Pages sent including header: 24			
<b>DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS - INCLUDING TELEPHONES, FACSIMILE MACHINES, COMPUTER NETWORKS, AND MODEMS - ARE SUBJECT TO MONITORING FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO TELECOMMUNICATIONS SECURITY MONITORING.</b>			
			
PAGE 1/24 "RCVD AT 9/1/2004 2:21:33 PM [Eastern Daylight Time]" "FVR:USPTO-FXMF-19" "DNIS:8724321" "CSD:973 724 5552" "DURATION (min:sec):10:35"			

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 ST. TIME 09/01 14:23  
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DATE: 01 September 2004

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Desk Phone:

FROM: Kathryn Vander Sande

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FACSIMILE TRANSMISSION:

24 Hour Automatic - All Speeds  
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DSN: 880-5552

TO FAX PHONE NO.: (703) 872-9325

DATE: 01 September 2004

ATTN: TC3600

*Desk Phone:*

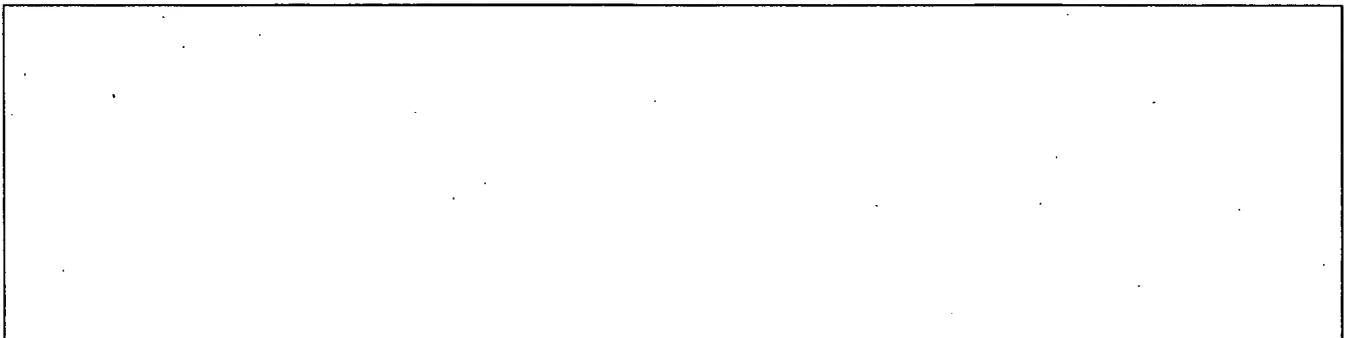
FROM: Kathryn Vander Sande

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SUBJECT: SN 10/694009, Filed 10/24/2003, PRACTICE PROJECTILE WITH SMOKE SIGNATURE by Mazzei, et. al., Response to Office Action, Petition to Extend, Fee Letter and Amendment

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mazzei et al.

Serial No.: 10/694,009

Filing Date: 10/24/2003

Docket No.: 2000-013-B

Examiner: Parsley

Art Unit: 3643

Date of Office Action: 5/19/2004

Title of Invention: Practice Projectile With Smoke Signature

PETITION TO EXTEND

Honorable Commissioner of Patents & Trademarks  
Alexandria, Virginia 22313

Sir:

Applicants herewith petition the Commissioner to extend the time for response to the above-cited Office Action by one month. The response deadline would then be 19 September 2004 rather than 19 August 2004.

Please charge our Army Deposit Account No. 19-2201 the sum of \$110. for cost of the requested extension. A fee letter authorizing this charge is also enclosed to assist in charging the fee to that account.

Respectfully,

8/31/04  
Date

Michael C. Sachs

Michael C. Sachs

Attorney for Applicants

Reg. No. 29,262

Tel. No. (973) 724-6595

Fax No. (973)724-5552

Address:

U.S. Army ARDEC

ATTN: AMSRD-AAR-GC

M. Sachs / Bldg. 3

Picatinny Arsenal, NJ 07806-5000

e-mail: [msachs@pica.army.mil](mailto:msachs@pica.army.mil)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mazzei et al.  
Serial No.: 10/694,009  
Filing Date: 10/24/2003  
Docket No.: 2000-013-B  
Examiner: Parsley  
Art Unit: 3643  
Date of Office Action: 5/19/2004  
Title of Invention: Practice Projectile With Smoke Signature

FEE LETTER

Honorable Commissioner of Patents & Trademarks  
Washington, D.C. 20232

Sir:

This is in connection with Applicants' response to the above identified Office Action.

The PTO is hereby authorized to charge the sum of \$110. from the Army's account no. 19-2201, for the following charges: Extension of time of onemonth.

The PTO is also authorized to charge the corrected fees for the above-described services, in the event the undersigned has misquoted or miscalculated the correct prices in the amount that was authorized.

Respectfully,

8/31/04

Date

Michael C. Sachs

Michael C. Sachs  
Attorney for Applicants  
Reg. No. 29,262  
Tel. No. (973) 724-6595  
Fax No. (973) 724-5552  
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U.S. Army ARDEC  
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M. Sachs / Bldg. 3  
Picatinny Arsenal, NJ 07806-5000  
e-mail: [msachs@pica.army.mil](mailto:msachs@pica.army.mil)



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  
Application of:

MAZZEI, Robert, et. al.

Serial No.: 10/694009      Group Art Unit: 3643

Filed: 10/24/2003      Examiner: PARSLEY, David J.

FOR: PRACTICE PROJECTILE WITH SMOKE SIGNATURE

## FEE LETTER

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The PTO is hereby authorized to charge the sum of \$130 from the Army's Deposit Account 19-2201 for the petition to Withdraw the Holding of Abandonment of an application.

The PTO is also authorized to charge the corrected fees for the above-described services, in the event the undersigned has misquoted or miscalculated the correct prices in the amount that was authorized herein.

10 Jan '05

DATE

MICHAEL C. SACHS  
Attorney for Applicants  
Telephone No.: 973-724-6595  
Fax No.: 973-724-5552  
E-Mail: msachs@pica.army.mil  
Mailing Address:  
U.S. Army RDECOM-ARDEC  
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